

REMARKS

Applicant has carefully studied the Office Action of February 12, 2004 and offers the following remarks to accompany the above amendments.

Before addressing the rejections proper, Applicant provides a brief summary of the present invention so that the remarks are considered in the proper context. The present invention is directed to synchronizing multiple web browsers. Specifically, the present invention arises in the context of an on-going communication session (such as a voice call) wherein the synchronization of the multiple web browsers is achieved as part of the signaling overhead associated with the on-going communication session. In a particularly contemplated exemplary embodiment, the synchronization is achieved through SIP messages. By using the present invention, someone engaged in a voice call can send a web page to a call participant as part of the overhead of the voice call.

Claim 15 was rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Applicant respectfully traverses. There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. MPEP § 2163. Applicant further notes that the burden is on the Examiner with regard to establishing that the claim does not comply with the written description requirement. MPEP § 2163.04. The Examiner must provide by a preponderance of evidence why a person skilled in the art would not recognize in the applicant's disclosure a description of the invention defined by the claims.

Claim 15 was a claim that was filed with the original application and thus forms a part of the specification for the purposes of determining compliance with the written description requirement. To this extent, the subject matter of the claim was in Applicant's possession at the time of filing. Further, page 2, lines 25-30 discuss the use of an application protocol interface (API) in the context of the present invention. Likewise, page 5, line 30-page 6, line 16 further describe the use of an API in the context of the present invention. While the focus of the passages deals with application programs, one of ordinary skill in the art could take the teachings set forth relative to the applications and apply it to the operating system as recited in claim. Applicant further notes that the claim language need not be recited verbatim in the claim as long as someone of ordinary skill in the art would understand that Applicant was in possession of the claimed subject matter at the time of filing. Since Applicant describes how API is used in the

context of the present invention, and the claims, as originally filed expand this usage to operating systems, the claim complies with the written description requirement. In light of the high standard required to show failure to comply with the written description requirement, and Applicant's demonstrated compliance with the written description requirement, Applicant requests withdrawal of the § 112 rejection of claim 15 at this time.

Applicant appreciates the indication of allowable subject matter in claim 17 and amends claim 17 to be presented in independent form. The above-mentioned credit card form pays for the new independent claim.

Applicant amends the independent claims 1, 9, 18, 22, 25, 28, 33, 35, and 36 to recite that the synchronization occurs as part of a real-time communication session. Support for this can be found at page 3, lines 1-5. Further, dependent claims 7, 11, and 32 are amended to recite that the real-time communication session is a voice call. Support for this can be found at page 3, lines 1-5.

Claims 1-15 and 18-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jacobs et al. (hereinafter "Jacobs"). Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where each and every claim element is shown in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

As amended, independent claims 1, 9, 18, 22, 25, 28, 33, 35, and 36 recite that the synchronization is performed as part of a real-time communication session. In contrast, Jacobs specifically contrasts the CoWeb application with telephone (i.e., real-time) communication, see pp. 1-2. In short, Jacobs does not send the information as part of the pre-existing real-time communication session as is presently claimed. While Jacobs does contemplate a chat function, this is not from the pre-existing real-time communication session, rather it is ancillary to the web synchronization of the CoWeb application. In light of Jacobs's failure to teach or suggest the synchronization in the context of a real-time communication session, much less the voice call as recited in dependent claims 7, 11, and 32, Jacobs does not anticipate the claims. Applicant requests withdrawal of the § 102(b) rejection of claims 1-15 and 18-36 at this time.

Claim 16 was rejected under 35 U.S.C. § 103 as being unpatentable over Jacobs in view of Burg et al. (hereinafter "Burg"). Applicant respectfully traverses. When the Patent Office combines references in an obviousness rejection, the Patent Office is required to: 1) articulate a

motivation to combine the references, and 2) support the motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999.

Initially, Applicant traverses the assertion that Burg is in the same field of endeavor as Jacobs. Jacobs is directed to an application that allows researchers to collaborate on research papers. See section 2, page 2 of Jacobs. In contrast, Burg is a call center system wherein the calls are internet voice calls and is specifically designed to queue the calls.

Applicant further traverses the rejection on the basis that the Patent Office has improperly combined the references. The Patent Office opines that it "would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teaching of Jacobs with the teachings of Burg because it was conventionally employed in the art to allow a browsing session to be created, modified and terminated with multiple participants." Initially, Applicant notes that this motivation does not compel the modification of Jacobs because Jacobs already deals with multiple participants (see Jacobs section 2, page 2, lines 6-7). Since Jacobs has a built-in solution for the need to allow multiple participants, there is no need for Burg. Furthermore, even if there was a need for Burg, the Patent Office has not provided the requisite actual evidence to support the motivation. Absent such evidence, the combination is improper and the rejection is not proper.

Since the rejection is not proper, Applicant requests the withdrawal of the § 103 rejection of claim 16 at this time.

Applicant requests reconsideration of the rejections in light of the amendments and remarks presented herein. The references of record do not teach web synchronization in the context of an on-going real-time communication session. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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